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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

DEMETRIUS LEROY VERDUN,

Defendant and Appellant.

C061202

(Super.Ct.No.
07F07073)

Defendant Demetrius Leroy Verdun and his wife, D., were married in 2003 and separated in 2005. On July 15, 2005, defendant was supposed to return their son to D.'s home after a scheduled visitation. Defendant was late getting to the house and, when he arrived, he came into D.'s bedroom and threatened to kill her. He was rambling about other men she had dated. He grabbed her and held her by her face, grabbed her arms, pushed her down, and continued to threaten her. D. also alleged that defendant raped her.

Charged with spousal abuse, spousal rape, and multiple prior convictions enhancements, defendant entered a negotiated plea of no contest to spousal abuse with the understanding that the other charges would be dismissed with a *Harvey* waiver (*People v. Harvey* (1979) 25 Cal.3d 754) and he would receive no more than two years in state prison.

In accordance with the plea agreement, defendant was sentenced to two years in state prison and received a \$200 restitution fund fine; a \$200 parole revocation fine was imposed and stayed pending completion of parole.

Defendant appeals. His request for a certificate of probable cause (Pen. Code, § 1237.5) was denied.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks us to review the record and determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) Counsel advised defendant of his right to file a supplemental brief within 30 days of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

The judgment is affirmed.

SCOTLAND, P. J.

We concur:

HULL, J.

CANTIL-SAKAUYE, J.